

REMARKS

Entry of the foregoing, reexamination, and further and favorable consideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested.

I. Amendments to the Specification and Claims

By the foregoing amendment, page 7 of the Substitute Specification has been amended to delete the term “o-methyl” and substitute it with “O-methyl.” This amendment is to correct an obvious typographical error whereby the “o” signifying oxygen should have been capitalized. One of ordinary skill in the art, reading the specification as a whole, would have clearly understood that Applicants intended to indicate an oxygen bonded to a methyl group, *i.e.*, -OCH₃ or a methoxy group. See, for example, page 2, lines 16-17, of the originally filed specification whereby Applicants indicate that Q can be a methoxy group.

Additionally, by the present amendment, claims 2-4 have been canceled without prejudice or disclaimer to the subject matter recited therein. Applicants reserve the right to file one or more continuation and/or divisional applications directed to the canceled subject matter. Further, for purposes of consistency in terminology within the claims, independent claim 7 has been amended to replace the term “o-methyl” with the phrase “a methoxy group.” Support for this amendment can be found on at least page 2, lines 16-17, of the originally filed application.

No new matter has been added.

II. Rejection under 35 U.S.C. § 112, Second Paragraph

Claims 7-16 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter

which Applicants regard as the invention. In particular, the Examiner has indicated that claim 7 is indefinite for recitation of “Q is o-methyl.” See OFFICE ACTION at 3.

As discussed above, claim 7 has been amended to replace the term “o-methyl” with the phrase “a methoxy group.” This amendment is not intended to narrow the scope of the claims or any element recited therein. Rather, O-methyl¹ and the phrase “a methoxy group” mean the same thing -- that is -OCH₃.

In view of the above, withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

III. Rejection under 35 U.S.C. § 103(a)

The Examiner has rejected claims 2-4 under 35 U.S.C. § 103(a) as being unpatentable over Hirsh et al. (U.S. Patent No. 6,538,153) in view of Miller et al. (U.S. Patent No. 6,471,942) and Tabata et al. (*Pure Appl. Chem.*, 71(11):2047-53 (1999)). See OFFICE ACTION at 4-5. This rejection is respectfully traversed. However, to expedite prosecution in the present application, and not to acquiesce to the Examiner’s rejection, claims 2-4 have been canceled. Thus, the Examiner’s rejection is moot.

IV. Conclusion

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

¹ In the specification and in claim 7, Applicants inadvertently made the oxygen symbol lower case instead of capitalizing the O. As discussed *supra*, this was a clear typographical error.

In the event that there are any questions relating to this Amendment and Reply, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney at the below-listed telephone number concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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